

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Salis	Team: Squad #4	CCRB Case #: 201810223	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/19/2018 12:05 AM	Location of Incident: § 87(2)(b)	Precinct: 104	18 Mo. SOL 3/19/2020	EO SOL 3/19/2020	
Date/Time CV Reported Mon, 12/10/2018 9:51 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/10/2018 9:51 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Dimatteo	13602	963489	104 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Steven Scopinich	5459	946231	104 PCT
2. POM Henry Sorto	06996	961317	104 PCT
3. POM Brendan Finnerty	14292	963989	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Dimatteo	Abuse: Police Officer Nicholas Dimatteo forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On December 10, 2018, § 87(2)(b) filed this complaint with the CCRB by phone.

On September 19, 2018, PO Nicholas Dimatteo and PO Henry Sorto, of the 104th Precinct, responded to a 911 call placed by § 87(2)(b)'s parents at § 87(2)(b) in Queens. PO Dimatteo allegedly forcibly removed § 87(2)(b) to § 87(2)(b) (**Allegation A: Abuse of Authority,** § 87(2)(g)).

No arrests or summonses resulted from this incident. There was no known video footage of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Nicholas Dimatteo forcibly removed § 87(2)(b) to the hospital.

It is undisputed that at 11:54 PM on September 18, 2018, § 87(2)(b)'s father called 911 from § 87(2)(b) in Queens to report that § 87(2)(b) was off of his medication (BR 01). PO Dimatteo and PO Sorto responded to the call and arrived at approximately 12:05 AM on September 19, 2018. PO Dimatteo spoke with § 87(2)(b)'s mother and determined that § 87(2)(b) needed to be evaluated at a hospital. Sgt. Steven Scoponich and PO Brendan Finnerty, also of the 104th Precinct, also responded to the call. After the officers and FDNY EMS personnel evaluated him, § 87(2)(b) was removed to § 87(2)(b).

§ 87(2)(b) (BR 02) was unable to provide a consistent statement regarding the incident. He described an incident in which he went out drinking with friends, and upon returning to his parents' home, found that he had lost his keys. He entered the house through a window in the roof, after which, his parents called 911. After officers arrived, he was removed to § 87(2)(b). § 87(2)(b) denied that he is diagnosed with any mental illnesses.

The FDNY Pre-Hospital Care Report stemming from this incident (BR 03) states the following: "PT MOTHER WHO CALLED 911 AND WHO WAS ALSO AT SCENE STATE PT IS NONCOMPLIANCE [sic] OF PSYCH MEDICATION FOR MONTHS AND IS YELLING AND THROWING THINGS AROUND THE HOUSE." It also notes that § 87(2)(b) had bruising and swelling on his left arm and an abrasion on the bridge of his nose.

§ 87(2)(b)'s medical records from § 87(2)(b) (BR 04) note that he was "brought in via ambulance and NYPD as EDP and irrational behavior." The records describe § 87(2)(b) as having a history of bipolar disorder, and being prescribed § 87(2)(b) (a medication used to treat § 87(2)(b)), with which he is non-compliant. § 87(2)(b) is noted to have said he drank alcohol earlier in the day. As with the FDNY report, the hospital records describe swelling to § 87(2)(b)'s left arm and an abrasion to his forehead. § 87(2)(b) stated that these were the result of an assault.

The records also describe contact with § 87(2)(b)'s mother, § 87(2)(b). She told hospital staff that § 87(2)(b) was diagnosed with schizoaffective disorder in 1999, and that he lives in her basement apartment. She said that § 87(2)(b) "is paranoid, he took the TV, Computers and Clocks out of the apartment, he threatened to burn my house down and leaves burning cigarets [sic] everywhere, he does not take care of himself or his apartment." Per § 87(2)(b)'s mother, his most recent admission to a hospital was to § 87(2)(b) for a period of two years; he was released in § 87(2)(b).

Attempts were made to contact § 87(2)(b)'s parents, but these attempts were ultimately unsuccessful.

EMT § 87(2)(b) (BR 10) had no recollection of the incident after being shown a photo of § 87(2)(b) and reviewing the FDNY Pre-Hospital Care Report that she drafted. In the FDNY Pre-Hospital Care Report, EMT § 87(2)(b) provided a disposition of “psych emergency” under the heading “Chief Complaint,” although she could not recall whether she wrote this because officers had told her that § 87(2)(b) was an “EDP” or because § 87(2)(b) stated that he needed a psychiatric evaluation. EMT § 87(2)(b) also wrote “Psychiatric Emergency” under the heading “Provider Impression,” which she noted she would only have answered if she herself witnessed behavior indicative of a psychological emergency.

EMT § 87(2)(b) (BR 11) had no recollection of the incident after being shown a photo of § 87(2)(b) and reviewing the FDNY Pre-Hospital Care Report prepared by EMT § 87(2)(b). Her statement was consistent with EMT § 87(2)(b)'s statement.

PO Dimatteo (BR 05) was the first officer to arrive on-scene, along with his partner, PO Sorto. PO Dimatteo spoke with § 87(2)(b)'s mother, who informed him that § 87(2)(b) had an extensive psychiatric history and was diagnosed with schizophrenia. She explicitly told PO Dimatteo that she wanted § 87(2)(b) removed to the hospital. PO Dimatteo had limited interaction with § 87(2)(b) but noted that § 87(2)(b) did not appear capable of taking care of himself. PO Dimatteo ascertained this through his observations that § 87(2)(b) was wearing “raggy jeans,” had missing teeth, and appeared to have not showered in some time. PO Dimatteo did not know if § 87(2)(b) had done anything in particular to prompt the 911 call.

PO Dimatteo did not recall if § 87(2)(b) went to the hospital willingly. He relayed his observations and conversation with § 87(2)(b)'s mother to the EMTs, but was not present for their evaluation of § 87(2)(b). The EMTs ultimately decided that § 87(2)(b) needed to be hospitalized. Because PO Dimatteo did not recall § 87(2)(b) being handcuffed, or any officers using force against § 87(2)(b) he did not believe that this occurred; he could not, however, be certain.

Sgt. Scoponich was definitive in saying that § 87(2)(b) was not handcuffed or otherwise physically restrained during the incident. It was his impression that § 87(2)(b) willingly went to the hospital, as § 87(2)(b) did not raise any objections to doing so.

Sgt. Scoponich (BR 06) arrived at the house after PO Dimatteo and PO Sorto. He was not aware of what they had learned prior to his arrival, but it was his understanding that they had already decided that § 87(2)(b) needed to be hospitalized. He spoke with § 87(2)(b)'s mother and received the same information that PO Dimatteo described. Based on this, he concurred that § 87(2)(b) needed to be hospitalized. He was also not present for the EMTs' evaluation of § 87(2)(b)'s condition. He did not observe any behavior on § 87(2)(b)'s part that made him believe § 87(2)(b) was a danger to himself or others. Sgt. Scoponich also did not know if § 87(2)(b) had done anything in particular to prompt the 911 call.

The AIDED report prepared by PO Dimatteo was somewhat consistent with his testimony (BR 07). It noted that § 87(2)(b) suffered from schizophrenia and had been off his medication. He also had an injury to his left arm and his forehead. The box for “Emotionally Disturbed” was marked “No”; PO Dimatteo attributed this to clerical error.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to three CCRB complaints and has been named as a victim in four allegations (BR 08).
 - § 87(2)(b)
- PO Nicholas Dimatteo has been a member of service for one year and has not been a subject in any prior CCRB investigations.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of March 1, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident. (BR 12)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: Squad 4

Investigator:	Investigator Carter Salis	04/04/2019
Signature	Print Title & Name	Date

Squad Leader:		
Signature	Print Title & Name	Date

Reviewer:		
Signature	Print Title & Name	Date